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Probes of Billy Seen Reaching A Critical Point

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The Billy Carter investigations have reached a critical point. They may lead on to some major result, but they could also end without revealing anything more of significance.

In Congress and at the Justice Department, the dual probes of the president's brother and the government's reaction to him are moving into what appear to be the decisive final weeks.

The prevailing assessment, in both places, apparently is that not much has yet turned up that could bring about important new charges of misconduct or actual changes in government, but that the potential is still there.

Within the special Senate Judiciary subcommittee, as it moves on to its final two weeks of hearings, some of the Republicans seem persuaded now that the potential has just begun to be fulfilled.

They apparently became persuaded of that after the testimony of Justice Department officials last Thursday, raising a host of questions about how some of the government's top figures acted toward Billy Carter and his problems as a foreign agent of Libya.

The view on the GOP side of the panel appears to be that, when the hearings moved beyond what Billy Carter himself had done, and reached what federal officials had done about his situation, the probe took on a new life.

"There's clearly something here," Sen. Charles Mathias, R-Md., a subcommittee member, remarked on Friday.

The senator indicated that the subcommittee needs to focus further on "the procedures of government which were at work" during and after the Billy Carter episode.

There has also been some suggestion within the panel that Attorney General Benjamin R. Civiletti's role, in particular, is open to question. "You may be in some difficulty," Sen. Robert Dole, R-Kan., told Civiletti at the Friday hearing.

In addition, Mathias has suggested that there may be more to be learned about attempts by Libya to gain influence in this country.

This week, the subcommittee plans to look further into the handling of intelligence documents mentioning Billy Carter's activities, and will make a start on the White House phase of its investigation.

CIA Director Stansfield Turner is to testify in a closed-door session Tuesday, and White House Counsel Lloyd N. Cutler is to appear at a public hearing Wednesday.

The subcommittee is expected to question Cutler about his extensive contacts with Billy Carter's lawyers in the final stages of the Justice Department's investigation.

Next week — probably the final week of hearings — will cover the activities of presidential aides Zbigniew Brzezinski and Phillip J. Wise, as well as several State Department officials.

Brzezinski, the president's national security adviser, is likely to be questioned closely about his sharing of an intelligence report about Libya with Billy Carter on March 31, and Appointments Secretary Wise is expected to be pressed to say whether he tipped off Billy Carter that the Justice Department was moving in on him in June of this year.

At the Justice Department, those in key posts suggest that nearly everything there is to know about the Billy Carter episode is now out in the open, and that what remains of the probe at the department primarily is a cleanup of loose ends.

One high-ranking aide closely involved with the Billy Carter case said neither the probe in Congress nor the continuing activity at the department is likely to cause any further sensation, unless it were discovered that there had been significantly more contact between the White House and Attorney General Civiletti about the case than has already been brought out.

Civiletti's role is still under investigation by the department's Office of Professional Responsibility, and there is one key issue in that probe that department officials concede may cause the attorney general further trouble.

That is the report by the department's chief investigator on the Billy Carter case, Joel S. Lisker, that Civiletti asked him to hold off for "10 days or so" after key evidence turned up, finally freeing the department — after 18 months of probing — to act against Billy Carter.

Civiletti insists he does not remember any such comment, and contends that, if he did say something like that, it could only have meant he was urging the probers to wait to see if Billy Carter would register anyway, without direct action against him.

The attorney general has argued firmly that he did nothing at all to "delay or interfere in any way" with the case, and that he did not go to the White House for a June 17 meeting with President Carter with the aim of striking "a deal" for Billy.

The internal investigation of Civiletti also includes an inquiry into whether Brzezinski acted improperly or illegally in sharing intelligence data with Billy Carter.

Those inquiries are separate from the continuing activity of the department investigators who handled the Billy Carter case itself.

Those officials are still getting "leads" from a wide variety of sources, one official said, but nothing of major significance has turned up that way so far.

One lead they are following is that Libya paid Billy Carter \$220,000 as a reward for helping them gain access to the White House in late 1979, and that the money was intended as a gift, not a loan.

Another lead being pursued is that Libya made a further attempt to gain influence in the United States through Billy Carter by seeking to arrange a separate business transaction involving food or agricultural exports — a deal that may have fallen through, just as did the attempt to help Billy Carter earn millions in commissions by letting him obtain more Libya oil for the Charter Oil Co.

The Justice Department will have to handle any possible perjury investigation that could grow out of a variety of contradictory testimony given by witnesses in the Senate hearings.

Some of the Billy Carter investigators at the department, looking beyond what they have found out about the president's brother, say they do not see evidence of significant misconduct by high-ranking government officials.

"The picture I have," one key aide said, "is of a flutter of activity — a not very consequential flutter — by the president, Mr. Cutler, the attorney general, trying to find out what was happening on a major event for the president, but with no ability to get control of that event because they were isolated from us (the investigators)."

The "law enforcement effort" surrounding Billy Carter, that official continued, was deliberately kept away from top officials, and that took from them their option of controlling it despite its potential for embarrassing the president.

Washington Star Staff Writer Phil Gailey contributed to this report.